

2006-Or-____

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Hofstede

**Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to:
Housing: Maintenance Code.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 244.40 of the above-entitled ordinance be amended by deleting and adding definitions in alphabetical sequence to read as follows:

244.40. Definitions. The following words and phrases when used in the housing maintenance code shall have the meanings respectively ascribed to them in this section:

Communal: Used or shared by, or intended to be used or shared by the occupants of two (2) or more rooming units or sleeping rooms.

Hotel, licensed: Any dwelling wherein sleeping or rooming accommodations are offered or furnished to the general public for a shorter period of time than one week, with or without meals. It shall not include rooming houses or lodging establishments.

Lodging establishment: Every building or structure, or any part thereof, kept, used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished regularly to roomers, for periods of one week or more, and having five (5) or more sleeping rooms or five (5) or more beds to let. "Lodging establishment" shall not include that part of a building or structure containing "shared-bath dwellings" as that term is defined in Chapter 244 of the Minneapolis Housing Maintenance Code. The term "lodging establishment" shall include fraternities and sororities as defined in the Minneapolis Zoning Code.

Lodging establishment with boarding: A lodging establishment where in meals are prepared and / or served to tenants.

Multiple dwelling: Any dwelling occupied, fitted up or arranged to be occupied as three (3) or more dwelling units and shall also include rooming houses and lodging establishments as defined herein.

Occupant: Any person over one year of age, including an owner or operator, living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit, rooming unit, or sleeping room or hotel unit.

Operator: Any person who has charge, care or control of a building, or part thereof, in which dwelling units, rooming units, sleeping rooms or hotel units are let.

~~Rehabilitation center~~Group Residential Facility: A "~~rehabilitation center~~group residential facility" is one operated by a lawfully established and existing philanthropic or charitable organization or agency ~~operating on a statewide or national basis~~ and which employs personnel of demonstrated competency in the fields of social, spiritual and physical rehabilitation, and has and operates under its own charter, regulations, rules and standards. In order to qualify, such agency must furnish adequate proof of the soundness of its governing charter, regulations and code and of its prior successful existence and practice.

Roomer: An occupant of a rooming house or lodging establishment who is not a member of the family of the operator of that rooming house, and shall also mean an occupant of a dwelling unit who is not a member of the family occupying the dwelling unit. This shall not be construed as to include temporary nonpaying guests of the operator.

Sleeping room: Any room in a lodging establishment which is used, intended to be used, or offered or held out for use, as a place where roomers sleep.

Section 2. That Section 244.50 (a) of the above-entitled ordinance be amended to read as follows:

244.50. Meaning of certain words. (a) Whenever the words "dwelling," "dwelling units," "shared bath dwelling," "shared bath units," "rooming house," "rooming unit," "lodging establishment," "sleeping room," "hotel," "hotel units" or "premises" are used, they shall be construed as though they were followed by the words "or any part thereof."

Section 3. That Section 244.130 of the above-entitled ordinance be amended to read as follows:

244.130. Inspections required; powers. Pursuant to provisions of this Code of Ordinances, as set forth herein, the director of inspections shall make inspections to determine the condition of dwellings, dwelling units, shared bath dwellings, shared bath units, rooming units, sleeping rooms, hotel units, and premises located within the city for the purpose of enforcing the provisions of the housing maintenance code. The director of inspections, or designated representative, may enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, hotel units, lodging units, lodging establishments, and premises after obtaining consent from an occupant of the premises. In the event that an occupant of the premises does not consent to entry by the director of inspections or designated representative, and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises. No person shall refuse entrance or impede the commissioner of health, director of inspections, chief of the fire department, or the chief of police, or designated representative, in the performance of emergency duties and in case of emergency every such inspector or officer shall have the right to enter, examine and survey all premises, grounds, erections, structures, dwellings and buildings and every part thereof in the city at all times.

Section 4. That the title of Article X, Chapter 244 of the Minneapolis Code of Ordinances be amended to read as follows:

ARTICLE X. ROOMING HOUSES AND LODGING ESTABLISHMENTS

Section 5. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1035 to read as follows:

244.1035. No modification of zoning code intended. (a) The purpose of this article is to meet the requirements in Minnesota Statutes, Chapter 157, for licensing of lodging establishments. Nothing contained in this article is intended to modify the definition of a rooming house, lodging house or lodging establishment in the zoning code, or to enlarge rights under the zoning code, or to legalize any use or activity which is not a valid permitted, conditional, or nonconforming use under the zoning code.

(b) The issuance of a lodging establishment license shall not be construed as authorizing a use which is not authorized by the zoning code.

Section 6. That Section 244.1040 of the above-entitled ordinance be amended to read as follows:

244.1040. Compliance required. No person shall operate a rooming house or lodging establishment, or shall occupy or let to another for occupancy any rooming unit in any rooming house or any sleeping room or any bed in a lodging establishment, except in compliance with the requirements set forth in this chapter.

Section 7. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1045 to read as follows:

244.1045. License required. (a) Every person who operates, maintains, or holds out to the public that he or she operates or maintains, a lodging establishment, shall first obtain a license as required by this article.

(b) Operation without a license prohibited. No person shall operate, maintain, or hold out to the public that he or she operates or maintains, a lodging establishment, without a valid license issued under this article.

(c) Exceptions. No lodging establishment license shall be required for any lodging establishment holding a health care license issued by the Minnesota Department of Health.

Section 8. That Section 244.1050 of the above-entitled ordinance be amended to read as follows:

244.1050. Lavatory and bath facilities. At least one water closet, hand lavatory and bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for each ten (10) persons or fraction thereof residing within a rooming house or lodging establishment, including members of the operator's family wherever they share the use of the said facilities; provided that in a rooming house or lodging establishment where rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets, and provided further that in rooming houses or lodging establishments existing prior to July 1, 1972, where a hand lavatory, connected to a water and sewer system and in good working condition, is supplied in each rooming unit or sleeping room, then the number of persons who shall share the use of a water closet and bathtub or shower shall not exceed twelve (12) persons. All such facilities shall be so located within the rooming house or

lodging establishment as to be accessible to the occupants of each rooming unit or sleeping room sharing such facilities without going through a unit of another occupant. Every hand lavatory and bathtub or shower required under the provisions of this section shall be supplied with hot and cold running water at all times. No plumbing facilities required under this section except the guest toilet room may be located in a cellar.

~~General toilet rooms may be provided to serve members of one sex but not to exceed twenty-four (24) persons. Water closet compartments and bath or shower compartments in general toilet rooms shall be constructed in such a manner so as to afford the user privacy. General toilet rooms shall have an approved mechanical ventilation system.~~

~~Rooming houses having only general toilet rooms for the tenants all of one sex shall have a toilet room containing a water closet and hand lavatory for guest use.~~

Section 9. That Section 244.1060 of the above-entitled ordinance be amended to read as follows:

244.1060. Communal kitchens. Communal kitchens shall be permitted only in rooming house or lodging establishment occupancies. Every rooming house or lodging establishment within which the occupants of rooming units or sleeping rooms are permitted to prepare meals shall contain a communal kitchen which has adequate cooking, refrigeration and plumbing facilities to allow the preparation of meals in a clean and healthful manner by the occupants. Every communal kitchen shall be located within a room accessible to the occupant of each rooming unit or sleeping room sharing the use of such kitchens, without going outside the rooming house or lodging establishment or without going through a unit of another occupant.

The owner or operator of a rooming house or lodging establishment with boarding shall ~~obtain a food and drink license as required by~~ comply with all applicable requirements of Chapter 188 of this Code of Ordinances.

Section 10. That Section 244.1090 of the above-entitled ordinance be amended to read as follows:

244.1070. No-cooking signs. The operator shall post in every rooming unit or sleeping room a sign on which shall be written or printed in letters not less than one inch in height the following words "No Cooking Permitted in This Room" and such sign shall remain so posted at all times. No person shall cook or prepare meals in any rooming unit or sleeping room, and no operator knowingly shall allow cooking or preparation of meals in any rooming unit sleeping room.

Section 11. That Section 244.1080 of the above-entitled ordinance be and is hereby repealed.

~~**244.1080. Bed linen and towels.** The operator of every rooming house shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to another occupant. The operator shall be responsible for the maintenance of all supplied bedding, mattresses and springs in a clean and sanitary manner.~~

Section 12. That Section 244.1090 of the above-entitled ordinance be amended to read as follows:

244.1090. Sanitary maintenance. The owner or operator of every rooming house or lodging establishment shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house or lodging establishment; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house or lodging establishment is contained is leased or occupied by the operator.

Section 13. That Section 244.1100 of the above-entitled ordinance be and is hereby repealed.

~~**244.1100. Reporting of communicable disease.** The operator of a rooming house shall report to the commissioner of health within twenty-four (24) hours the name of any person living in the rooming house who is suffering from a communicable disease, and such report shall be made whenever there is reason to believe or suspect that any person in such rooming house may be afflicted with any communicable disease.~~

Section 14. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1105 to read as follows:

244.1105. Inspection. Pursuant to the authority granted in Minnesota Statutes, section 157.04, a duly authorized inspector of the City of Minneapolis may enter and have access to a lodging establishment at any time during the conduct of business thereon, for the purpose of verifying compliance with the provisions of this chapter.

Section 15. That Section 244.1110 of the above-entitled ordinance be amended to read as follows:

244.1110. Keeping of register. Every person ~~registered~~ licensed as a rooming house or lodging establishment operator shall at all times keep a register within the rooming house or lodging establishment, in which shall be written the names of all occupants renting or occupying rooming units or sleeping rooms in such rooming house or lodging establishment. After the name or names of persons renting or occupying any rooming unit the operator, or operator's agent, shall write the number of the room or rooms which each person is to occupy, together with the date and hour when such room or rooms are rented, all of which shall be done before such person is permitted to occupy such room or rooms. The register shall be at all times open to inspection by the chief of police, commissioner of health, director of inspections or chief of the fire prevention bureau, or their authorized representatives.

Section 16. That Section 244.1120 of the above-entitled ordinance be amended to read as follows:

244.1120. Entry of true name in register. No person shall write or cause to be written in any rooming house or lodging establishment register any other or different name than the true name of such person or the name by which such person is generally known.

Section 17. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1125 to read as follows:

244.1125. Dwelling units in same building. An applicant who operates one or more residential dwelling units in the same building or structure containing a lodging establishment

shall be required to hold a rental dwelling license for those dwelling units as well as the license required in this chapter.

Section 18. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1130 to read as follows:

244.1130. Hotel units in same building. An applicant who operates hotel units in the same building or structure containing a lodging establishment shall be required to hold a hotel license as well as the license required in this chapter.

Section 19. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1135 to read as follows:

244.1135. Conditions. A licensee under this chapter shall comply with all of the following requirements, as well as any other applicable statutes, rules or codes.

- (a) Minneapolis Fire Code;
- (b) Minneapolis Health Code;
- (c) Minneapolis Building Code;
- (d) Minneapolis Housing Maintenance Code;
- (e) Minneapolis Zoning Code.
- (f) Minnesota Rules - Chapter 4625 (Lodging Establishments)
- (g) A lodging establishment licensee or operator shall comply with all rooming house or rooming unit regulations set forth in this chapter.

Section 20. That Section 244.1140 of the above-entitled ordinance be and is hereby repealed.

~~**244.1140. Rehabilitation centers.** A rehabilitation center as defined in section 244.40 relating to the housing maintenance code, may be operated, provided:~~

- ~~(a) Such rehabilitation center provides a definite program of medical supervision and employs personnel of demonstrated competency in social and physical rehabilitation;~~
- ~~(b) Files with the director of inspections written rules, standards and controls governing the rehabilitation operation and program, and files with the director of inspections any amendments or additions to its code, and such rules, standards, program and amendments thereto are approved by the city council;~~
- ~~(c) If the rules, standards and programs as presented are approved by the city council, such rehabilitation center may then be registered as a multiple dwelling with the housing section of the department of inspections;~~

~~(d) If the above requirements are all complied with, the rehabilitation center may then operate a multiple dwelling without compliance with sections 244.810, 244.1060 and 244.310 of this Code of Ordinances.~~

Section 21. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1145 to read as follows:

244.1145. Expiration; renewal. All licenses issued under this article shall expire on October first of each year, subject to renewal year to year thereafter. All licensees shall apply for renewal of their licenses on a form provided by the director of inspections. The renewal application may be in such abbreviated form as deemed sufficient by the director to verify current information on file concerning the licensee. An application for renewal shall be filed in the department at least thirty (30) days before expiration of the license. No license or provisional license shall be granted without payment of the required annual license fee. An individual who is operating a lodging establishment after the license has expired is operating an unlicensed lodging establishment.

Section 22. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1150 to read as follows:

244.1150. License fees. (a) The annual license fee required under this article for a lodging establishment or a lodging establishment with boarding shall be as established in Appendix J, License Fee Schedule.

~~(b) New license surcharge. Every applicant for any license required under this article shall pay, in addition to any other specified fees required, an additional surcharge as established in Appendix J, License Fee Schedule:~~

~~(1) Upon initial application for the required license; and~~

~~(2) Upon application for the required license after failing to renew the license within one year of the expiration date of the previously held license.~~

~~This additional new license surcharge shall not be refunded whether or not the license sought is granted.~~

~~(c) The annual license fee shall be increased by fifty (50) percent when more than fifteen (15) calendar days late. Late applicants shall not be entitled to prorated license fees. After December 31 of the license year, renewal of an expired license shall require the payment of the administrative fee set forth in (e) instead of the fee set forth in this paragraph.~~

~~(d) License fees shall be prorated as follows:~~

~~(1) Issued during first half of license year Full fee;~~

~~(2) Issued during second half of license year One-Half fee.~~

~~(e) Operation of an unlicensed lodging establishment shall be subject to an additional administrative fee of two hundred and fifty dollars (\$250.00) for the first sleeping room or bed, and ten dollars (\$10.00) for each additional sleeping room or bed. This fee shall be in addition to any other appropriate enforcement action or fees due.~~

Section 23. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1155 to read as follows:

244.1155. Application for license. Within ninety (90) days after the effective date of this article, the owner of each lodging establishment shall make written application to the director of inspections for a license to carry on the business of renting lodging establishment property. Such application shall be made on a form furnished by the director of inspections for such purpose and shall set forth the following information:

- (1) Name, business or residence address, telephone number, and date of birth of the owner of the lodging establishment. If the owner is a partnership, the name of the partnership, the name, residence address, and date of birth of the managing partner. If the owner is a corporation, the name and address of the corporation, and the name of the chief operating officer; in cases where the owner of a dwelling resides outside of the sixteen-county metropolitan area consisting of the following counties: Hennepin, Rice, Wright, Anoka, Washington, McLeod, Ramsey, Dakota, Scott, Carver, Sherburne, Isanti, Chisago, Sibley, Le Sueur and Goodhue; the owner's agent/contact person shall reside within the sixteen-county metropolitan area.
- (2) If the owner has appointed an agent authorized to accept service of process and to receive and give receipt for notices, the name, business or residence address, telephone number, and date of birth of such agent.
- (3) Every applicant, whether an individual, partnership, or corporation, shall identify in the application, by name, residence or business street address, telephone number, and date of birth, a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person shall, if other than the owner, affix his or her notarized signature to the application, thereby accepting joint and several responsibility with the owner (including any potential criminal, civil, or administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service are not acceptable as an address for such person. The individual designated herein may also be the owner of the dwelling or an agent identified in subsection (2) above.
- (4) Street address of the dwelling.
- (5) Number and kind of units within the dwelling (sleeping rooms and or beds provided as applicable).
- (6) Any other information deemed necessary to regulate the operations of a lodging establishment.
- (7) In the event that any of the information required to be provided by this section changes, the applicant or licensee shall, within fourteen (14) days, notify in writing the director of inspections, or an authorized representative of the director, of the change. However, if the natural person designated in subsection (3) changes, the licensee or applicant shall file an entirely new application within fourteen (14) days. Furthermore, for just cause, the director of inspections, or an authorized representative of the director, may request that an applicant or

licensee complete and file a new or replacement application for any rental dwelling, giving the licensee or applicant a minimum of fourteen (14) days to comply.

Section 24. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1160 to read as follows:

244.1160. Licensing Standards. The owner of a lodging establishment must comply with the licensing standards set forth in section 244.1910 and must comply with 244.2020. The City Council may revoke, suspend, refuse to issue, or refuse to renew any license for failure to comply with the requirements of those sections, pursuant to the procedure set forth in sections 244.1930 to 244.1970.